

Mahoning County Board of Elections

Public Records Request Policy

Introduction

It is the policy of the Mahoning County Board of Elections that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Mahoning County Board of Elections to strictly adhere to its obligations under the state's Public Records Law and the Mahoning County Commissioner Resolution 17-09-012. It is also the policy of the Mahoning County Board of Elections that exemptions from disclosure established by federal or state law must be applied, particularly where the laws are intended to protect the rights of third parties. The Board will consult with its legal counsel on any request that may jeopardize someone's legal rights.

Section 1. Public Records

The Mahoning County Board of Elections, in accordance with the Ohio Revised Code, defines records as including the following: any document – paper, electronic (including, but not limited to, email), or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities within the Mahoning County Board of Elections. All records of the Mahoning County Board of Elections meeting this definition are public unless they are specifically exempt from disclosure under Ohio law or federal law.

Section 1.1

It is the policy of the Board of Elections that, as required by Ohio law, records will be organized and maintained so that they are available for inspection and copying in accordance with the Ohio Public Records Law. Record retention schedules shall also be made readily available to the public. The MCBOE designates the Director /Deputy-Director as the managers of public records and the individuals to which requests for public records should be directed.

Section 2. Record Requests

Each request for public records should be evaluated for a response using the following guidelines.

Section 2.1

All request for public records request shall be made to the Director of the Mahoning County Board of Elections either verbally or by written request. Employees of the Board may take request but they must be conveyed to the Director as to the time and date they were made. No employee of the Board of Elections can comply with a record request unless so ordered by the Director.

Section 2.2

Although no specific language is required to make a request, the requestor must at least identify the records requested with sufficient clarity to allow the board office to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian (Director/Deputy-Director) must contact the requestor for clarification, and should assist the requester in revising the request by informing the requestor of the manner in which the office keeps its records.

Section 2.3

The requestor does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record. It is Mahoning County Board of Elections' general policy that this information is only to be requested if the written request or disclosure of identity of the requestor or the intended use of the record would benefit the requestor by enhancing the ability of the Mahoning County Board of Elections to identify, locate, or deliver the requested public records, and if the requestor is informed that the written request or disclosure of identity of the requestor or intended use of the record is not mandatory.

Section 2.4

Public records are to be available for inspection during regular business hours. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested. A requester seeking copies of public records is not permitted to make their own copies of the requested documents by any means. This protects the integrity of the original record.

Section 2.5

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include meeting minutes, budgets, salary information, forms and applications, and such other records requests that the Mahoning County Board of Elections determines are "routine". If any of these records contain exempt material such as social security numbers or other confidential information, they cannot be handled as "routine" requests. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as practicable, taking into account the time required for legal review or redaction of the records requested, when applicable. The Mahoning County Board of Elections will strive to acknowledge all requests for public records and provide an estimate of the number of business days it will take to satisfy the request within three business days following the records custodian's receipt of the request.

Section 2.6

Any denial of records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority. If the initial request was in writing, the explanation shall also be provided in writing. Legal Authority for the Mahoning County Board of Elections is the Mahoning County Prosecutor and the Secretary of State's Legal Counsel for our area.

Section 3. Costs for Public Records

Those seeking public records will be charged only the actual cost of making copies.

Section 3.1

The charge for paper copies is ten (10) cents per page.

Section 3.2

The charge for downloaded computer files to a compact disc is \$1.00 per disc.

Section 3.3.

There is no charge for documents emailed.

Section 3.4

Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies

Section 3.5

The Board of Elections may require the requestor to pay in advance the actual cost involved in providing the copies, including postage.

Section 4. Email

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

Section 4.1

Employees who use private e-mail accounts to conduct public business create records that may be subject to disclosure, in accordance with the Ohio Public Records Law. All employees or representatives of the Mahoning County Board of Elections shall be instructed to comply with the Mahoning County Board of Elections' records retention policy with regard to all e-mails in private accounts that document the organization, functions, policies, decisions, procedures, operations, or other activities of the Mahoning County Board of Elections, and to make them available to the Mahoning County Board of Elections' records custodian in a timely manner.

Section 4.2

The Information Technology Supervisor shall be instructed to treat the e-mails from private accounts as records of the Mahoning County Board of Elections, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying accordance with the Ohio Public Records Law.

Section 5. Failure to Respond to a Public Records Request

The Mahoning County Board of Elections recognizes that the consequence of failing to properly respond to a public records request in accordance with the law may result in a court ordering the Mahoning County Board of Elections to comply with the law and to pay the requester attorney's fees and statutory damages.

Section 6. Retention and Security of Voter Personal Information

[Ohio Secretary of State Directive 2007-32 regarding retention, privacy, and security of personal information](#)

[Quick reference guide for voter id & absentee ballot information document retention](#)

Mahoning County Board of Elections Public Records Policy

It is the policy of the Mahoning County Board of Elections to adhere to the Ohio's Public Records Act.

Public Records:

This office, in accordance with the Ohio Revised Code 149.43, defines records to include the following: any document – paper, electronic (including, but not limited to, email) or other format – that is created or received by, or comes under the jurisdiction of the MCBOE. All records of the MCBOE are public unless they are exempt from disclosure under the Ohio Revised Code.

All exemptions are to be construed in favor of disclosure as required by law and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the ORC. If the request is in writing, the explanation must also be in writing. If only a portion of a record is exempt, then only that portion may be withheld or redacted. Redactions must also be accompanied by an explanation. It is the policy of the MCBOE that, as required by Ohio law, records will be organized and maintained so that they are available for inspection and copying in accordance with the law. The MCBOE record retention schedule is available on the Secretary of State website and our website, Vote.mahoningcountyoh.gov.

Record Requests:

Requests for public records must clearly state the records and/or information being sought to allow the MCBOE to identify, retrieve and review the records. If a request is vague and overbroad, the MCBOE may deny the request, but must inform the requestor about the manner in which records are kept and how the MCBOE accesses the records so that the requestor can revise the request.

For management and efficiency, the MCBOE has a public record request form available. The requestor does not have to put a request in writing and does not have to provide his or her identity or the intended use of the requested public record. The MCBOE does not limit or condition the availability of public records based on whether a written form is used or whether a request identifies him or herself. However, the records custodian may ask for a written request and may ask for the requestor's identity and/or intended use of the information requested if (1) it would benefit the requestor by helping the MCBOE office identify, locate or deliver the records being sought and (2) the requestor is informed that a written request and the requestor's identify and intended use of the information are not required.

All request for public records request shall be made to the Director of the Mahoning County Board of Elections either verbally or by written request. Employees of the Board may take request but they must be conveyed to the Director as to the time and date they were made. No employee of the Board of Elections can comply with a record request unless so ordered by the Director.

Records Availability :

Public records are generally available for inspection during the normal operating hours of the MCBOE. Public records must be made available for inspection promptly and copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested, the proximity of the location where the records are stored; and the necessity for any legal review BY THE Mahoning County Prosecutor of the records requested.

Each request should be evaluated for an estimated length of time required to gather the records. Most routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes, salary information, personnel rosters, voter information, election abstracts, incident reports, voter labels and list and any other records kept by the MCBOE.

Record Cost:

If a limited number or copies are requested, or if the records are readily available in an electronic format that may be emailed or downloaded easily, these should be made as quickly as possible.

The MCBOE may charge for the actual cost of making copies of records and may require a deposit for large files copied or labels.

The MCBOE current costs are as follows:

- 10 cents per page of paper copies.
- \$1.00 per diskette
- \$2.50 per compact disc
- \$2.50 per audio or video tape If an outside duplication service is needed.
- \$10 for Absentee Labels for City, Township, Village Dailey Labels.
- \$20 for Absentee Labels for County Wide Elections.
- \$10 USB stick with no less than 16GB